

AN ORDINANCE

01- 0-1799

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN THE PREMISES AND CLOSE THE VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON October 25, 2001

**186 Joe Louis Drive, NW
183 Third Avenue, SE**

**03
05**

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

WHEREAS, on October 25, 2001, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on October 25, 2001, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to clean the premises and close the various structures following real property, upon which structure(s) are located:

| <u>Proper Street Address</u> | <u>City Council District</u> |
|------------------------------|------------------------------|
| 186 Joe Louis Drive, NW | 03 |
| 183 Third Avenue, SE | 05 |

SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Clean the premises and board the structures(s) in conformity with the In Rem Review Board's Orders.
- (3) File a lien against the real property on which the structures(s) are attached for the cost incurred.
- (4) Maintain the property in conformity with the In Rem Review Board's Order until the structure(s) are repaired or demolished.

SECTION 3: That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Leroy Bearden, Daisy Bearden, William Bearden, Willie Mae McCray and
Willie Robinson
Internal Revenue Service

on 10-12-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

all that tract or parcel
of land lying and being in the City of Atlanta, in Land Lot 179 of the 14th District
of Fulton County, Georgia, being Lot 7 in Block 1 of the subdivision of Dixie Hills
Extension according to plat of record in Plat Book 35, page 56, Fulton County
Records, more particularly described as follows:

BEGINNING at a point on the southwest side of Joe Louis Drive 265.2 feet south-
easterly, as measured along the southwest side of said Drive, from the southwest
corner of Joe Louis Drive and Carver Drive, if said street lines were extended to
form an angle instead of a curve, and running thence southeasterly along the
southwest side of Joe Louis Drive 60 feet; thence southwesterly along the north-
west line of Lot 6 a distance of 108 feet; thence northwesterly along the north-
east lines of Lots 14 and 15, a distance of 60.3 feet; thence northeasterly along
the southeast line of Lot 6 a distance of 182.1 feet to Joe Louis Drive and the
point of beginning, being improved property, known as No. 186 Joe Louis Drive, N.W.
according to the present system of numbering houses in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings,
dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This
notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as
provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such
real property.

Dated: October 12, 2001

BY:

Dale A. Hargrave
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Canty
Assistant Real Estate City Attorney

THE SUPERIOR COURT FOR THE COUNTY OF
DEKALB, STATE OF GEORGIA

CITY OF ATLANTA BUREAU
OF NEIGHBORHOOD CONSERVATION
Plaintiff
VS.

NOTICE FOR RECORD
FOR LIS PENDENS

Ricky J. Bright
Signature of America Realty
Ameribank, Inc.

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against the above defendant on
October 12, 2001

in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the
following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 204 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING LOT 5 OF THE W. F. WALTHALL PROPERTY AS PER PLAT MADE BY O. I. FREEMAN, C.E., APRIL 1925, AND RECORDED IN PLAT BOOK 9, PAGE 74, DEKALB COUNTY GEORGIA RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST SIDE OF THIRD AVENUE (FORMERLY HAMPTON AVE.) ONE HUNDRED FIFTY (150) FEET NORTH OF THE NORTHWEST CORNER OF THIRD AVENUE AND MEMORIAL DRIVE (FORMERLY FAIR STREET); THENCE NORTH ALONG THE WEST SIDE OF THIRD AVENUE FIFTY (50) FEET; THENCE WEST ONE HUNDRED EIGHTY (180) FEET; THENCE SOUTH FORTY-TWO AND ONE TENTH (42.1) FEET; THENCE EAST ONE HUNDRED EIGHTY (180) FEET TO THE POINT OF BEGINNING; BEING IMPROVED PROPERTY KNOWN AS NO. 183 THIRD AVENUE, S.E., ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of DeKalb County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: October 12, 2001

BY:

Dale L. Hargrett
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Cantor
Assistant Real Estate City Attorney

To Mayor's Office: Greg Pridgeon

(for review & distribution to Executive Management)

Commissioner Signature *Michael D. DeBlasi*

Director Signature *Carl P. Smart*

From: Originating Dept. Housing Demolition Contact (name) Dale Haygood - 6195

Committee(s) of Purview: Comm. Dvlpmnt./HR Committee Deadline: November 2, 2001

Committee Meeting Date(s) 11/14 & 28, 2001 City Council Meeting Date: 11/19 & 12/3, 2001

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN AND CLOSE THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD OCTOBER 25, 2001.

186 Joe Louis Drive, NW

03

183 Third Avenue, SE

05

BACKGROUND/PURPOSE/DISCUSSION:

Owner(s) and/or Parties in interest at above properties did not repair or demolish the structure and clean the premises in accordance with the Atlanta Housing Code of 1987.

FINANCIAL IMPACT (if any): Approximately \$ 1,800.00

(The actual calculations are not made until the property is released to the contractor. The cost for cleaning and boarding the property is calculated for each structure depending on the number of window and door openings and the trash and debris that is removed).

OTHER DEPARTMENT(S) IMPACTED: _____

Coordinated Review With: _____

Mayor's Staff Only

Received by Mayor's Office: 10/30/01

(date)

Reviewed: *JP*

(initials)

(date)

Submitted by Council: _____

(date)

Action by Committee:

☐ Approved

☐ Adversed

☐ Held

☐ Amended

☐ Substitute

☐ Referred

☐ Other